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GRETA(2011)01

**Reply from Denmark  
to the Questionnaire for the evaluation of the implementation  
of the Council of Europe Convention on Action against  
Trafficking in Human Beings by the parties**

**This reply has been made public at the request of the Danish authorities**



## Preliminary Questions

### Question 1

1.a. Please specify which State body/agency was responsible for co-ordinating and collecting the replies to this questionnaire.

The Danish Ministry of Justice was responsible for co-ordinating and collecting the replies to the questionnaire. The Ministry is headed by Permanent Secretary, Mr Michael Lunn.  
The contact person for GRETA is Head of Section, Ms Ane Røddik Christensen.

1.b. Please specify the name and professional title of the person heading this State body/agency.

Name

Mr Michael Lunn

Professional title

Permanent Secretary

1.c. Please indicate if this person is the “contact person” appointed by your country to liaise with GRETA (or a different person).

Yes

No

### Question 2

2. Which State bodies/agencies contributed to responding to this questionnaire?  
Please indicate the main responsibilities and/or fields of competence of each of these bodies/agencies.

Add a response

State body/agency contributing to responding

The Danish Ministry of Justice, The Ministry of Refugee, Immigration and Integration Affairs, The Department of Gender Equality, The Director of Public Prosecutions, The Danish National Police, The Criminal Injuries Compensation Board (Secretariat)

Main responsibilities and/or fields of competence of this State body/agency

The Ministry of Justice is responsible for the overall justice system, including the police, the prosecution, the courts of law, and the prisons and probation service. In addition, the Ministry is responsible for underlying agencies in the fields of family affairs, civil affairs and data protection.

The Ministry of Refugee, Immigration and Integration Affairs works towards creating a unified immigration and integration policy. In practice, the Ministry handles the following tasks: Preparing laws and administrative regulations, reports etc., handles and coordinates international work in the area of immigration - especially in relation to the EU, administrates legislation in the area of immigration - for example residence permits and Danish citizenship, the integration field - for example integration development and subsidy scheme.

The task of the Department of Gender Equality is to coordinate the gender equality work of the Government and set out the framework of the general gender equality policy. The Department is the coordinating body in relation to the implementation of the Danish national action plan to combat THB.

The Director of Public Prosecution conducts criminal cases before the Supreme Court. The Director of Public Prosecution is superior to the other prosecutors and supervises their work, and the Director of Public Prosecution processes complaints of decisions made by the Public Prosecutors in the 1<sup>st</sup> instance.

The Danish National Police is the highest authority within the Danish Police. It is the task of the Danish National Police to draw up strategies, support the work in the police districts and to coordinate the work of the police nationwide.

The Criminal Injuries Compensation Board and the Secretariat deal with applications for compensation under pursuance of the State Compensation to Victims of Crime Act and undertake administrative tasks connected to the consideration of applications.

### Question 3

**3.a. Did any non-governmental organisations (NGOs) or other entities of civil society contribute to responding to this questionnaire?**

Yes

No

**3.b. If so, please indicate the main activities of each of the NGOs and/or other entities of civil society which contributed. (*Not answered*)**

Add a response

Name of NGO or other entity of civil society *(Not answered)*  
 Main activities of NGO or other entity of civil society *(Not answered)*

3.c. If not, please comment.

**I. Integration of the core concepts and definitions contained in the Convention in the internal law of the parties**

**Section I.1. Integration of the Human Rights approach to action against trafficking in human beings**

As stipulated in the Convention, trafficking in human beings (hereinafter "THB") "constitutes a violation of human rights and an offence to the dignity and the integrity of the human being" (third paragraph of the Preamble of the Convention). Therefore in the letter and in the spirit of the Convention, THB is a violation of human rights and not just a criminal offence.

**Question 4**

**4. Please indicate if, in your internal law, THB is considered as a human rights violation (or only a criminal offence, see Section II.3. below).**

THB as a human rights violation? *(Not answered)*  
 Possible comments concerning your reply

Pursuant to Section 262 a (1) of the Danish Criminal Code, *a person who engages in THB shall be liable to a term of imprisonment of up to eight years* (see the reply to Q6 below for the full text of the provision).

Thus, under Danish law, THB is considered a serious criminal offence.

It should be noted that under Danish law, serious criminal acts – also those similar in gravity to THB – are prohibited by the Criminal Code.

Moreover, it should be noted that according to the case law from the European Court of Human Rights, Section 262 a (1) of the Criminal Code constitutes an appropriate legal framework to fulfil the duty to penalise THB as a crime which threatens the human dignity and fundamental freedoms of its victims and, thus, violates Article 4 of the European Convention of Human Rights, see *Rantsev v. Cyprus and Russia*, judgment of 7 January 2010.

**Question 5**

**5. Please indicate what special legal protection exists under your internal law (including case law, if any) in cases of violations of human rights, which would apply in cases of THB (For example, constitutional protection, positive obligation of the state, priority examination, etc.)**

Reference is made to Section I.2. below (see in particular the reply to Q6 which specifies the main legal provisions containing measures to protect and assists victims of THB).

### **Section I.2. Comprehensive approach to THB, co-ordination of all actors and actions to prevent and combat THB and to protect its victims, and international co-operation**

Questions in this section aim to obtain information concerning the comprehensive nature of the legal framework and policies on action against THB established by the parties to the Convention covering measures on prevention, protection and prosecution (Article 1) as well as on partnerships (Articles 29, 32 and 35).

These partnerships should comprise:

- national co-ordination and co-operation among all national actors involved in action against THB (Article 29-2). Any national action to combat THB must be comprehensive and multi-sectorial, and take on board the required multidisciplinary expertise. This comprehensive national action must be co-ordinated through a specific governmental body or entity. These are the “co-ordinating bodies” referred to in Article 29 of the Convention which are distinct from “National Rapporteurs”. In accordance with the Convention it is compulsory to ensure co-ordination of the national policies and actions (“shall”), whereas the appointment of National Rapporteurs is optional (“shall consider appointing...”).
- international co-operation among all actors from different parties (Chapter VI of the Convention). Article 32 sets out the general principles which are to govern international co-operation. Firstly the parties must co-operate with one another “to the widest extent possible”. This principle requires them to provide extensive co-operation to one another and to minimise impediments to the smooth and rapid flow of information and evidence internationally. Article 32 contains the general part of the obligation to co-operate: co-operation must include the prevention of and combat against THB (first indent), the protection of and assistance to victims (second indent) and to investigations or proceedings concerning criminal offences established in accordance with the Convention (third indent), i.e. the offences established in conformity with Articles 18, 20 and 21.
- co-operation and partnership with civil society (Article 35). The strategic partnership referred to in Article 35 between State authorities and public officials and civil society means the setting-up of co-operative frameworks through which state actors fulfil their obligations under the Convention, by co-ordinating their efforts with civil society. Co-operation with international non-governmental organisations active in the field of prevention and protection of the victims of THB is also needed.

Questions concerning the comprehensive approach to THB (Article 1):

#### **Question 6**

**6. Please indicate the titles of the main internal legal provisions and/or regulations containing measures to prevent THB, to protect and assist its victims, and to criminalise THB and prosecute traffickers.**

The Danish Criminal Code, Sections 125 a, 228, 229, 231 and 262 a:

**125 a.** A person who commits the offence of smuggling human beings according to section 59(7)(1) – (5) of the Aliens Act for the purpose of obtaining a gain and in other-wise particularly aggravating circumstances, shall be liable to imprisonment for any term not exceeding eight years. The circumstances that are considered particularly aggravating are especially cases in which the lives of others are exposed to danger or the offences are of a more systematic or organised nature.

**228 (1)** A person who

- 1) induces another to seek a profit from indecent sexual activity with others; or
- 2) induces another, for the sake of gain, to seek indecent sexual activity with others or prevents another who engages in such activity as a profession from giving it up; or
- 3) keeps a brothel;

shall be guilty of procuring and liable to imprisonment for any term not exceeding four years.

**(2)** The same penalty shall apply to a person who aids or abets a person under the age of 21 in engaging in sexual activity as a profession and to a person who takes part in bringing another person out of the country to make that person provide sexual services abroad or let that person be used for such purposes where the person concerned is less than 21 years old or uninformed of the intention.

**229 (1)** A person who assists indecent sexual activity by acting as an intermediary, for the sake of gain or in frequently repeated cases, or makes a profit from another person's professional sexual services, shall be liable to imprisonment for any term not exceeding three years or, in mitigating circumstances, a fine.

**(2)** A person who lets out a room at a hotel or an inn for professional sexual services shall be liable to imprisonment for any term not exceeding one year or, in mitigating circumstances, a fine.

**231.** If a person who is to be sentenced under Sections 228 or 229 of this Act has previously been convicted of any of the offences described in these provisions, or if he has been sentenced to imprisonment for an acquisitive offence, the maximum penalty may be raised by up to half.

**262 a (1)** A person who recruits, transports, transfers, houses or subsequently receives another person in a situation involving or having involved the use of

- 1) unlawful coercion as set out in section 260 of this Act;
- 2) deprivation of liberty as set out in section 261 of this Act;
- 3) threats as set out in section 266 of this Act;
- 4) unlawful creation, corroboration or exploitation of a delusion; or
- 5) another form of improper conduct;

for the purpose of exploiting that other person through indecent sexual activity, forced labour, slavery or slavery-like conditions or removal of organs, commits the offence of human trafficking and shall be liable to imprisonment for any term not exceeding eight years.

**(2)** The same penalty shall apply to a person who

1) recruits, transports, transfers, houses or subsequently receives a person under 18 for the purpose of exploitation of that person through indecent sexual activity, forced labour, slavery or

slavery-like conditions or removal of organs, or

2) makes a payment or offers other benefits to obtain consent to the exploitation as referred to above from an individual who has custody of or responsibility for the victim, and to a person who accepts such pay-ment or other benefit.”

The Aliens Act, Sections 33, subsections 14 and 15, and Section 59, subsection 7:

**33. (...)**

**(14)** If an alien has been subjected to human trafficking, the Danish Immigration Service, upon request, determines the time-limit for departure to be 30 days unless particular reasons make it inappropriate. Upon request, the time-limit for departure may be determined to be later or may be extended if particular reasons make it appropriate or if the alien is cooperating concerning a prepared return. The time-limit for departure may not exceed 100 days.

**(15)** Subsection (14) applies correspondingly to an alien who has been subjected to human trafficking and has been expelled by judgment.

**59. (...)**

**(7)** Any person is liable to a fine or imprisonment for up to 2 years, if he: -

(i) intentionally assists an alien in unlawfully entering or transiting Denmark;

(ii) intentionally assists an alien in unlawfully staying in Denmark;

(iii) intentionally assists an alien in entering Denmark for the purpose of entering another country unlawfully from Denmark;

(iv) intentionally assists an alien in unlawfully entering or unlawfully transiting another country;

(v) for the purpose of financial gain assists an alien in staying unlawfully in another country; or

(vi) by making shelter or means of transport available to an alien, intentionally assists the alien in working in Denmark without the requisite permit.

## Question 7

**7.a. Does your country have a comprehensive national policy and/or a National Action Plan to combat THB?**

Yes

No

**7.b. If so, please indicate its title, date of adoption and duration, main fields of action and the body/bodies responsible for its implementation.**

Add a response

**Title** (Not answered)

**Date of adoption** (Not answered)

**Duration (in years)** (Not answered)

**Main fields of action and body/bodies responsible for its implementation**

Since 2002 Danish efforts to combat trafficking in women have been embedded in national action plans.

The objective of the first action plan from 2002 was to test various methods and models to prevent trafficking of women and to support the victims. The core of the action plan was to establish outreach work where the women were staying and working, and to ensure that the victims were properly prepared for repatriation. The 2002 action plan focused exclusively on women who were trafficked for sexual exploitation.

A supplement to the 2002 action plan was launched in 2005 contained a number of initiatives aimed at providing a reception for children trafficked to Denmark. The initiatives mainly concerned the development of methods and upgrading of qualifications of the professionals who deal with care-taking of possible trafficked children.

In October 2006, the 2002 action plan was evaluated. The evaluation was a thorough assessment of the effect of the initiatives in the action plan. The evaluation of the supplement on children was primarily a description of the initiatives, including procedures and cooperation with 25 relations, as it had been launched less than a year before the evaluation, and because Denmark had only seen a very limited number of trafficked children in that period.

The main conclusion of the evaluation of the action plan of 2002 was that the overall activities had been implemented and significant experience had been obtained. It was a satisfactory result considering the plan was a pilot project.

In March 2007, the Government launched a new action plan for the fight against human trafficking 2007-2010. The objective of the 2007 action plan is to ensure that all women, men and children who are identified as victims of human trafficking are to be offered the right kind of support in their present situation and to provide them with an alternative to being trafficked again.

The 2007 action plan focuses on the following four areas of action:

- Strengthening investigation efforts in order to identify and bring traffickers before justice,
- Supporting the victims by improving the social services in Denmark,
- Preventing human trafficking by limiting demand and increasing the population's knowledge of these matters,
- Preventing human trafficking by improving international cooperation, including improving preventive work in the exporting countries.

The 2007 action plan also comprises a number of concrete goals:

- In 2007, a knowledge and coordination centre for human trafficking (the Danish Centre against Human Trafficking) shall be established,
- In 2007, three operating shelters will be ready to receive victims of human trafficking,
- In 2007, Denmark will have put the social consequences of human trafficking on the agenda in international fora, such as the EU and the Nordic Council of Ministers,

- In 2008, a scheme will have been established, which means that all registered victims of human trafficking are offered assistance to voluntary return,
- By 2009, at least 10 per cent of the population must be aware of the issues of human trafficking and must know how to react if they learn of human trafficking,
- By 2009, all children and at least 40 per cent of the women who are registered as victims of human trafficking shall receive social assistance and support for assisted return to their home country in collaboration with local NGOs,
- By 2009, at least 50 per cent of victims have received help in their home country for rehabilitation.

A total of DKK 80 million (EUR 10.736.382) has been earmarked for the implementation of the national initiatives in the action plan.

The current national action plan finishes by the end of 2010 and an external evaluation is currently carried out. Based on the findings of the evaluation, on the experiences gained so far and on international developments the future efforts on how to combat trafficking and help victims will be planned.

**7.c. If not, please comment. (*Not answered*)**

*(Not answered)*

**Questions concerning specialised authorities, co-ordination of actors and actions against THB and international co-operation (Articles 29, 32 to 35):**

**Question 8**

**8.a. In your country are there persons or entities specialised in the fight against THB and the protection of victims?**

Yes

No

**8.b. If so, please describe the type and the periodicity of the training provided for these persons or the staff of these entities.**

The Danish Centre against Human Trafficking employs or holds contracts with a number of skilled social workers organized by NGOs. These front personnel have a basis education within the field and are currently upgraded. The group consists of approximately 20 social workers.

Danish Red Cross personnel working in asylum centres have received training by The Danish

Centre against Human Trafficking twice within the last two years and receive internal training as well. Identifying victims of trafficking is part of the curriculum for first year students at the Police Academy. The Danish Centre against Human Trafficking takes part in the education. Trained police personnel have received upgrading training in the field of human trafficking nationwide on one occasion within the last two years in a joint effort between a.o. the National Police and The Danish Centre against Human Trafficking. A film for educating police personnel is at the moment being produced by The Danish Centre against Human Trafficking in collaboration with the National Police, local police and the Aliens Division of the National Police. The importance of educating health care personnel has become increasingly evident and an educational film targeted health care staff will be launched by The Danish Centre against Human Trafficking during the autumn 2010. Finally, a third film targeted labour market stakeholders is scheduled for autumn 2010. The Danish Centre against Human Trafficking has hosted an educational session on human trafficking and victim protection for judges at the Judicial Academy and plans to repeat the session. Finally, The Danish Centre against Human Trafficking has established contact to a group of defence lawyers to increase knowledge in the field of human trafficking.

The Danish Centre against Human Trafficking allocated 80000 Euro in 2009 and 130000 Euro in 2010 for educational purposes.

**8.c. Please specify the financial resources (in euros) allocated to this training.**

Financial resources (in euros) allocated to this training. *(Not answered)*

**8.d. If not, please comment. *(Not answered)***

*(Not answered)*

**Question 9**

**9.a. Is there, within your governmental structure, a national body responsible for co-ordinating all national actors and actions against THB? (regardless of the denomination and whether it was set up for this specific purpose or whether this responsibility was assigned to an already existing governmental body)**

Yes

No

**9.b. If so, please specify its name, administrative status, annual budget (in euros), human resources, composition and competences.**

Name of the co-ordinating body *(Not answered)*

Annual budget (in euros) of the co-ordinating body *(Not answered)*

Administrative status, human resources, composition and competences of the co-ordinating body

As part of the current national action plan and in order to ensure that victims receive improved

support, are aware of their rights and receive the same support despite where in Denmark they are located, the Danish Centre against Human Trafficking was established in September 2007.

The Centre serves several purposes: The Centre coordinates and contributes to improving social activities in the area, also with respect to the cross-sectoral efforts; the Centre constitutes the backbone of knowledge collection in the area by developing methods, by drawing up annual situation reports, and by managing ongoing upgrading of the employees' competencies, etc.

The Centre has developed a national referral mechanism that ensures coordination and cooperation between all the relevant actors – NGOs, the Police, the Immigration Service or other relevant actors in this field.

To deal with the cross-cutting nature of human trafficking, an inter-ministerial working group has been set up, involving all relevant ministries in the effort to combat trafficking and to support victims.

All together this ensures a high degree of information-sharing and provides a forum for tackling issues or challenges that were not foreseen but needs to be taken action on.

The Danish Centre against Human Trafficking is organized within the National Board of Social Services, and reports to the Danish Minister of Gender Equality and the Department of Gender Equality, the authority responsible for the implementation of the national Action Plan to Combat Trafficking in Human Beings 2007 - 2010.

The Centre is lead by a Resource Manager. One Coordinator and four Consultants (all full-time) are employed, as well as one student assistant and one secretary (together corresponding to 0.7 full-time position). External consultants are contracted on short-time basis when needed. Contracts are done with different social organisations/NGOs in order to conduct out-reach work.

The Centre receives annually EUR 2.482.788 (DKK 18.5 million).

**9.c. If there is currently no such co-ordinating body, are there any plans to set one up in the near future? (Not answered)**

*(Not answered)*

**9.d. If so, please give details. (Not answered)**

*(Not answered)*

**9.e. If not, please comment. (Not answered)**

*(Not answered)*

#### **Question 10**

**10.a. Is this co-ordinating body also responsible for the co-ordination of the collection of**

**administrative data or population survey data on THB?** Yes No**10.b. If so, please give details or comments.**

The obligation to implement a data collection system lies within the Danish Centre against Human Trafficking. The Centre has developed a set of indicators and definitions on human trafficking, taking into account the internationally defined indicators. On this basis a system to collect data on every officially identified victim of trafficking in Denmark has been implemented. Data collection and information-sharing among relevant support personnel and governmental organisations are important and ongoing activities in the efforts to support victims of human trafficking in Denmark.

The Danish Centre against Human Trafficking provides on a quarterly basis statistics and information on trafficking in women and children. The statistics are coordinated with the Danish Immigration Service. The Danish National Police reports data on an annual basis on persons charged, prosecuted and convicted in relation to trafficking.

The relevant data from all the involved governmental actors is on an annual basis collected by the inter-ministerial steering group and published in a report.

**10.c. If not, please specify which body/entity has this responsibility. (Not answered)**

*(Not answered)*

**Question 11****11.a. Do NGOs have full membership status in your national co-ordinating body?** Yes No**11.b. If so, how many? (Not answered)**

*(Not answered)*

**11.c. Please describe the criteria for NGO membership. (Not answered)**

*(Not answered)*

**11.d. If not, please comment**

The NGOs are not members of the inter-ministerial steering group, but part of the national referral mechanism that ensures coordination and cooperation between all the relevant actors. Currently, seven NGOs are participating in the national referral mechanism (Save the Children (DK), Danish Red Cross, The Nest International, Pro Vest, Lokk, Hope Now, Friends of Christian). The criteria for participation in the different reference groups is mainly that the NGO is relevant within the area of trafficking.

## Question 12

**12.a. Are there any other national or international entities or bodies participating in your national coordinating body?**

Yes

No

**12.b. If so, please specify.**

Yes, the Police, the Danish Immigration Service, the Danish Tax and Customs Administration, IOM, the City of Copenhagen, the Department for Gender Equality and other actors when relevant.

**12.c. If not, please comment. (*Not answered*)**

*(Not answered)*

## Question 13

**13. Please describe the legal basis for international co-operation between your country and other countries in the fight against THB. (Please indicate the title of the legal instruments.)**

**National legislation: title(s) and description**

In September 2006 the Danish National Police launched a National Police strategy for reinforced police action against criminals who control prostitution. According to the strategy international police cooperation is given high priority. The international police cooperation is carried out within the framework of e.g. Interpol, Europol, Schengen, the Baltic Sea Cooperation on organised Crime and the so-called PTN Cooperation (Police and Customs Cooperation in the Nordic Region).

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**International (bilateral and/or multilateral) instrument(s)/agreement(s): title(s) and description**

**Question 14**

**14. What steps have been taken by your country to ensure that the requesting party is promptly informed of the final results of action taken in the framework of international co-operation on action against THB, as provided for in Article 34 of the Convention?**

No specific steps have been taken as requested information as a general rule is provided as soon as possible.

**Question 15**

**15.a. Do the relevant authorities of your country have the possibility to spontaneously provide information, without prior request, to authorities of another country (if the disclosure of such information might assist the receiving country in initiating or carrying out investigations or proceedings concerning criminal offences established in accordance with the Convention?)**

Yes

No

**15.b. If so, please indicate how such information is transmitted and which authorities are involved.**

The police can provide information to other countries without prior request. Such information is provided through the Europol national desks.

**15.c. If not, please comment. (*Not answered*)**

*(Not answered)*

**Question 16**

**16.a. Do your police forces carry out joint actions, on a bilateral and/or a multilateral legal basis, with the police forces from other parties to fight THB?**

Yes

No

**16.b. If so, please describe the action taken and provide an assessment of its impact.**

Add a response

International cooperation takes place within the framework of e.g. Interpol, Europol, Schengen, the Baltic Sea Cooperation on organised Crime and the PTN Cooperation (Police and Customs Cooperation in the Nordic Region).

However, Denmark is of the opinion that international cooperation is essential in the fight against trafficking in human beings as the criminal activities are carried out across borders.

**16.c. If not, please describe any plans for joint action or obstacles to joint action. (Not answered)**

**(Not answered)**

### **Section I.3. Definition of “THB” and of “victim” in the internal law of the parties**

In accordance with Article 4a of the Convention, trafficking in human beings consists of a combination of three basic components, each to be found in a list given in the definition:

- the action of: “recruitment, transportation, transfer, harbouring or receipt of persons”;
- by means of: “the threat or use of force or other forms of coercion, of abduction, of fraud, of deception, of the abuse of power or of a position of vulnerability or of the giving or receiving of payments or benefits to achieve the consent of a person having control over another person”;
- for the purpose of exploitation, which includes “at a minimum, the exploitation of the prostitution of others or other forms of sexual exploitation, forced labour or services, slavery or practices similar to slavery, servitude or the removal of organs”.

Article 4b of the Convention follows European Court of Human Rights case-law in that it states that the consent of a victim of THB to a form of exploitation listed in Article 4a is irrelevant if any of the means referred to in Article 4a has been used.

Under Article 4c recruitment, transportation, transfer, harbouring or receipt of a child for the purpose of exploitation is to be regarded as trafficking in human beings even if it does not involve any of the means listed

in Article 4a. It is also immaterial whether or not the child consents to be exploited. Under Article 4d the word “child” means any person under 18 years of age.

Article 4e defines “victim” as “any natural person who is subject to trafficking in human beings as defined in this article”. A victim is anyone subjected to a combination of components (action – means – purpose) specified in Article 4a of the Convention.

### Question 17

**17.a. Are all the elements of the three components (action, means and purpose) contained in Article 4a of the Convention included in the legal definition of THB established by your internal law?**

Yes

No

**17.b. Please describe how they have been integrated in your internal law.**

Yes. See Section 262 a of the Danish Criminal Code quoted in the reply to Q6.

### Question 18

**18. Please indicate which of the following forms of THB are recognised under your internal law:**

national

transnational

linked to organised crime

not linked to organised crime

### Possible comments concerning your reply

Section 262 a of the Danish Criminal Code as quoted in the reply to Q6 covers all of the forms of

THB listed in the question.

#### Question 19

**19.a. Under your internal law, is a “victim of THB” any natural person who is subject to THB as defined in Article 4e of the Convention? *(Not answered)***

*(Not answered)*

**19.b. Please provide the definition of a "victim of THB" under your internal law.**

Danish legislation does not contain an explicit definition of “victim of THB”, but a person subject to THB as defined in Section 262 a of the Danish Criminal Code is generally considered to be a victim of THB. Please also cf. the reply to Q33 and Q34.

**19.c. Please provide (a translation of) the legal text(s) in English or in French.**

See the reply to Q6 for the full text of Section 262 a of the Criminal Code.

#### Question 20

**20. Does your internal law recognise as victims of THB:**

women

men

children

**Possible comments concerning your reply**

**Question 21**

**21.a. To what extent does the consent of a person to intended or actual exploitation determine if that person will be recognised as a victim of THB under your internal law?**

A person (be it woman, man or child) cannot give a valid consent to being victim of THB as set out in Section 262 a of the Criminal Code (see the reply to Q6 for the full text of the provision).

**21.b. Please specify if your internal law contemplates the consent of the three categories of victims:**

Consent of the three categories of victims      *(Not answered)*

**21.c. Please provide examples.**

**II. Implementation by the parties of measures aimed to prevent THB, protect and promote the rights of victims of THB and prosecute traffickers**

**Section II.1. Implementation of measures to prevent THB**

Questions in this section aim to obtain information on the implementation by the parties of the preventive measures contained in Chapter II of the Convention (Articles 5 to 9). Implementation of preventive measures concerns all countries: countries of origin, transit and destination. Preventive measures to be implemented can vary depending on the type of country, but all countries should implement measures to prevent THB.

**Question 22**

**22.a. Has a national/regional/local campaign or programme to alert the potential victims of THB to the various forms of exploitation been carried out in your country during the last two years?**

Yes

No

**22.b. If so, please provide the following details. (If more than one campaign or programme was carried out please provide the details for each of them.) *(Not answered)***

Add a response

Title of campaign or programme      *(Not answered)*

Was it based on research for determining effective prevention methods?      *(Not answered)*

<b>Was it addressed to a particular group of potential victims? (Not answered)</b>	
<b>Which bodies, governmental or non-governmental, were in charge of implementing it? (Not answered)</b>	<b>(Not answered)</b>
<b>Description of the material used for the campaign/programme and its dissemination (Not answered)</b>	<b>(Not answered)</b>
<b>If possible, please provide an assessment of the impact of the campaign/programme (Not answered)</b>	<b>(Not answered)</b>

**22.c. If there are currently plans for launching a new campaign or programme, please provide details.**

Denmark is primarily a country of destination and transit with regard to THB and no campaign or programme targeted to alert potential national victims has been carried out.

#### **Question 23**

**23. Please describe the social and economic empowerment measures for disadvantaged groups vulnerable to THB which have been implemented or are planned.**

Denmark is primarily a country of destination and transit, but programmes to prevent THB have been implemented in countries where victims are coming from. The Ministry of Foreign Affairs manages the Programme against Human Trafficking in Belarus, Moldova and Ukraine (phase 2, 2009-2011). The programme has four immediate objectives:

- (1) Strengthened national counter trafficking strategies and mechanisms;
- (2) Streamlined and improved access to and provision of services for victims of trafficking;
- (3) Better targeted prevention activities effectively reach vulnerable groups, and
- (4) Strengthened international and regional co-operation on responses to trafficking.

The programme focuses both on prevention and support of victims of trafficking. Preventive activities include information and communication activities, as well as capacity building of national authorities and organisations on development and implementation relevant national strategies and plans. Through the programme, Denmark cooperates with local organizations to provide support to victims of trafficking, including medical services, counseling and a reintegration package. Finally, the programme aims at strengthening regional cooperation through implementation of regional activities and experience-sharing.

#### **Question 24**

**24. What preventive measures to discourage demand leading to THB, as provided for in Article 6 of the**

**Convention, has your country adopted or is considering adopting?**

Preventing THB by limiting demand and increasing public awareness is one of the four intervention areas in the current national action plan. Both during the previous and the current national action plan, various campaigns against THB for sexual exploitation of women have been launched or are scheduled by both the Minister for Gender Equality, the Danish Centre against Human Trafficking and NGOs associated with the centre. The campaigns are targeted both at the general public and the potential costumers targeting the demand side. In addition, the National Board of Social Services runs a debate- and awareness raising campaign for young people on prostitution called: "Who pays the price?". The Danish Centre against Human Trafficking will launch a campaign addressing the demand side of all forms of Human Trafficking in the fall 2010.

Public awareness of the issue of human trafficking is being raised among others by the Danish Centre against Human Trafficking through public debate, information on web pages, films produced for educational purposes to a broader audience and for professionals working in the field of human trafficking, inclusion of the topic in the education system, and training sessions for relevant workers and authorities.

**Question 25**

**25. Please specify the measures taken by your country to ensure quality, security and integrity of travel and identity documents in order to prevent their unlawful creation and issuance as well as to ensure that they cannot be easily forged.**

With effect from 1 August 2006 Denmark has introduced biometrics in Danish passports. The European Parliament and the Council of the European Union have adopted regulation No 444/2009 of 28 May 2009 amending Council Regulation No 2252/2004 of 13 December 2004 on standards for security features and biometrics in passports and travel documents issued by Member States. Denmark has subsequently declared that the regulations will be respected by Denmark. However, Denmark does not yet meet the requirements for fingerprints.

**Question 26**

**26. Please specify the measures taken by your country to detect cases of THB at its borders, inter alia by means of border surveillance teams and intelligence measures.**

In 2007 the Danish National Police started training students at the Danish Police Academy in THB.

In addition, the Danish National Police started training more experienced police officers in fighting THB. All police officers dealing with the investigation of THB are as such obliged to participate in a course where THB is among the topics.

Furthermore the Danish National Police have since 2007 organised 1-2 seminars a year where all key persons in the local police districts are invited to be updated on THB and to share good practice.

Upon request from the local police districts the Danish National Police also organise local seminars on THB. The participants are police officers involved in border control and patrolling the streets.

Because of the Schengen Treaty there are only a few places left in Denmark where border control is still carried out. The strategy of the Danish National Police is therefore to provide all police officers with knowledge of indicators of THB which enables them to react in the right way when encountering THB. Furthermore, local police districts have appointed police officers who are experts in THB.

All police officers are obliged to send all relevant information regarding THB to the Danish National Police where information is stored in order to create an overview and to be used in investigations throughout the country.

The National Police are responsible for disseminating all intelligence to the relevant local police districts which is carried out on a very frequent basis.

#### Question 27

**27. Please describe any measures taken to provide information, through consulates and embassies, about legal entry and stay on the territory of your country in order to ensure informed and legal immigration.**

In cooperation with the Danish National Police the Ministry of Foreign Affairs of Denmark organises each year a training course for all consuls before a posting abroad. The aim is to ensure that the consular staff is duly trained to be able to identify possible victims of human trafficking who seek entry into Denmark. The training is conducted by officers from the Danish National Police.

#### Question 28

**28.a. Please describe any measures taken to avoid issuing visas (tourist, working, student visas, etc.) when there are reasonable grounds to believe that a person may be a victim of THB or implicated in THB.**

Denmark does not have any specific short term visa legislation or guidelines as to THB. When dealing with visa applications, the information from the applicant and host etc. as well as other relevant and available information is considered. The decision is based on an individual assessment.

**28.b. In such cases, please describe any specific measures which your law enforcement authorities have instructions to apply.**

#### Question 29

**29.a. Do any specific measures exist for preventing national THB, including THB taking place on the territory of parties with special agreements establishing common borders (Schengen Agreement for example)?**

Yes

No

**29.b. If so, please specify. (*Not answered*)**

*(Not answered)*

**29.c. If not, please comment.**

As Denmark primarily is a country of destination or transit, no specific measures exist for preventing national THB.

#### Question 30

**30. What funds have been allocated to the above-mentioned preventive measures in the state budget (central and/or regional/local)? (Please specify amounts in euros.)**

In 2007 the Danish government published a plan of action on the fight for trafficking in human

beings. 80 million Danish kroner have been earmarked for the national activities under the action plan. In addition there are funds within the Danish Ministry of Foreign Affairs earmarked for efforts abroad. And as mentioned in the reply to Q13, the Danish National Police launched in 2006 a strategy for reinforced police action against criminals who control prostitution.

No funds have been allocated specifically to preventing national THB as Denmark is primarily a country of destination or transit.

### Question 31

**31.a. Has an assessment of the impact of the above-mentioned preventive measures taken by your country been carried out?**

Yes

No

**31.b. If so, please specify the results of the assessment.**

An external assessment of the National Action Plan is currently being carried out, focussing on both results and impact. The report will be issued during autumn 2010.

**31.c. If not, please comment. (*Not answered*)**

*(Not answered)*

### **Section II.2. Implementation of measures to protect and promote the rights of victims of trafficking in human beings**

Questions in this section aim to obtain information on the implementation by the parties of measures to protect and promote the rights of victims contained in Chapter III of the Convention (Articles 10 to 17). This part of the questionnaire concerns the ways and procedures to identify victims (Article 10), measures to assist victims (Article 12), the recovery and reflection period (Article 13) and residence permits (Article 14). In addition some questions concerning repatriation and return of victims (Article 16) and reintegration of victims into society (Article 16-5) as well as questions about compensation (Article 15) are addressed.

### Question 32

**32. At what moment and by whom is the process to identify a potential victim of THB initiated? (For**

**example, declaration of the potential victim, statement by a police officer, statement by a NGO etc.)**

In case of a potential victim of THB staying illegally in Denmark, the Danish Immigration Service will be the authority to decide whether this person has been a victim of human trafficking and hence should be given a 30 days reflection period.

If the person is met by the police, the police will call the hotline operated by the Danish Centre against Human Trafficking and the centre will make sure that social workers from NGOs with special knowledge on THB (NGOs that work with the Danish Centre against Human Trafficking on a contractual basis) will meet the person. The Danish Immigration Service will base their decision on information from the police and from the social workers.

If the person is met in the asylum seeking process, the Danish Immigration Service will base their decision on the asylum interview.

If the person is met by the social workers, they will have to make sure that their information will be supplemented by information from the police for the Danish Immigration Service to make their decision.

In case of a potential victim of THB staying in Denmark on a legal basis, the Danish Centre against Human Trafficking will be the authority to decide whether this person has been a victim of human trafficking. The Danish Centre against Human Trafficking will base its decision on information from social workers from NGOs with special knowledge on victims on human trafficking.

Finally, some persons staying illegally in Denmark are identified as victims of trafficking by social workers. These persons might not be interested in talking to the police and therefore will not be represented to the Danish Immigration Service (they might still be offered accommodation or assistance, for example in the counselling centre for foreign women, launched by the Danish Centre against Human Trafficking in 2008).

**Question 33**

**33.a. Have any common criteria been defined in your internal law for granting the legal status of victim of THB?**

Yes

No

**33.b. If so, please specify. (Not answered)**

*(Not answered)*

**33.c. If not, please comment.**

The definition of a victim of trafficking can be deduced from the Danish Criminal Code section 262 a (in accordance with the definitions in the international conventions – The Protocol to Prevent,

Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention Against Transnational Organized Crime (Palermo Convention) and the Council of Europe Convention on Action against Trafficking in Human Beings).

For the full text of Section 262 a please cf. the reply to Q6.

#### Question 34

**34.a. Which national authority(ies) grant(s) the legal status of victim of THB? (For example, police forces, public prosecutor, judge, etc.)**

The national authority that grants the legal status of victim is either the criminal courts or the Danish Immigration Service. If a person, who is potentially a victim of trafficking, is tried before a court, the criminal court decides whether the person is a victim of trafficking. In such cases, Section 26 A of the Aliens Act, needs to be taken into account if the person is a foreign national and expulsion is being considered. In other cases, where the person is not being tried before a court, but is illegally in Denmark or has worked illegally here, the Danish Immigration Service grants the status of victim – and the potential victim gets a so called “reflection period” according to section 33 (15) of the Aliens Act. The decision by The Immigration Service cannot be appealed. The Immigration Service can also grant the “reflection period” to a victim of trafficking who has been tried before a criminal court.

In case of a potential victim of THB staying in Denmark on a legal basis, the Danish Centre against Human Trafficking will be the authority to decide whether this person has been a victim of human trafficking. The Danish Centre against Human Trafficking will base its decision on information from social workers from NGOs with special knowledge on victims of human trafficking.

**34.b. Can such a decision be appealed?**

**Can such a decision be appealed (Not answered)**

**Possible comments concerning your reply**

#### Question 35

**35. Can a person be removed from your country during the process of identification as a victim of THB? (For example, if he/she is present illegally)**

Yes

No

**Possible comments concerning your reply**

**Question 36**

**36. Does your country recognise the status of victim of THB granted by another party when the victim is on your territory?**

Yes

No

**Possible comments concerning your reply**

The decision whether a person is deemed to be victim of THB rests with Danish authorities, cf. the answer to Q34.

**Question 37**

**37. Please indicate which types of assistance described in Article 12 of the Convention are provided to victims of THB in your country. Please specify who provides the different types of assistance.**

Under the Danish Aliens Act and in accordance with the Danish Action Plan to Combat Trafficking in Human Beings 2007-2010, victims of THB who are being maintained by the Danish Immigration Service (i.e. aliens without legal stay in Denmark and aliens who are staying in Denmark as asylum seekers) are provided with accommodation services corresponding to their specific needs. This may include accommodation in asylum centres, crisis centres or private accommodation. Additionally, such aliens are provided with cash and/or in-kind allowances, necessary health care services including psychological assistance, translation and interpretation services and legal counselling. Victims of THB are furthermore provided with a contact person from the Danish Centre against Human Trafficking. The contact person provides counselling and social assistance to the victim and assists in the preparation of the alien's return to his/her country of origin or former country of residence.

As part of the national action plan identified victims of trafficking – including those who are in Denmark illegally – are offered a prepared return to their home country or country of residence including limited vocational training before return and a reintegration scheme aiming at securing a livelihood for the person other than i.e. prostitution. The Danish Immigration Service has contracted the IOM to support the process of rehabilitation and reintegration in their home country or country of residence. This service is provided up to 3 months after the return. The Danish Centre against human trafficking cooperates closely with the IOM.

All school-aged children staying legally or illegally in Denmark for a minimum period of six months

are subject to compulsory primary education. This also applies to children of victims of THB or children who are themselves victims of THB. In practice, however, school-aged children who are under the provision of the Danish Immigration Service are enrolled in primary or lower secondary education immediately following their accommodation in an asylum centre, crisis centre or other appropriate form of accommodation financed by the Danish Immigration Service.

Resources have been allocated through the Danish Centre against Human Trafficking to NGOs and social authorities for drop in centres for women in prostitution, shelters for protected custody for women and children, counselling, acute health care services, legal assistance, psychological and social recovery and a minimum of job training.

The Danish Centre against Human Trafficking collaborates and allocates funding to relevant NGOs working in the field of human trafficking. Agreements of activities offered by the various actors in the field are mainly based on contracts with the relevant NGO/social authority and the Danish Centre against Human Trafficking (i.e. The Nest International, Pro Vest, Hope Now, Danish Red Cross, Save the Children). The range of activities covers the intention of protection of victims laid out in The National Action Plan.

#### Question 38

**38. Please describe the differences in the assistance and protection measures envisaged for victims of transnational trafficking and those envisaged for victims of national trafficking.**

There is no difference in the assistance and protection measures aimed at victims of transnational and national trafficking respectively. However, aliens who are not entitled to stay in Denmark and who are victims of THB are offered assisted voluntary return to their country of origin or former country of residence.

#### Question 39

**39.a. Does your state budget allocate specific funding for these assistance and protection measures?**

Yes

No

**39.b. Please indicate the amount (in euros), the criteria for receiving such funding and who receives it.**

**Amount (in euros)**      *(Not answered)*

**Criteria for receiving such funding and who receives it**

A total of DKK 80 million (EUR 10.736.382) has been earmarked for the implementation of the national initiatives (mainly assistance and protection of victims) in the current action plan. Of this EUR 1.409.150 has been allocated to NGOs for assistance and protection activities before the Danish Centre against Human Trafficking was established in September 2007. EUR 8.884.356 has since then been allocated to the Centre who contracts NGOs or other social organisations to do outreach, assistance and protection work. The Centre also holds some of the protection and assistance work i.e. manages the hotline. Besides from this EUR 183.860 has been earmarked for the IOM programme where victims can receive a prepared return.

**39.c. Please specify the bodies/agencies/NGOs which actually cover the costs of the different types of assistance?**

#### Question 40

**40.a. Please describe how the recovery and reflection period provided for in Article 13 of the Convention is defined in your internal law.**

According to Section 33 (1) of the Aliens Act a decision on refusal or revocation of a residence permit or expulsion or return must state a time-limit for departure from Denmark.

Under subsection 14, the Danish Immigration Service determines the time-limit for departure to be 30 days if the alien in question is a victim of THB. The time-limit may upon request be extended if the alien cooperates on his/her prepared return. The time-limit for departure may not exceed 100 days. The rules regarding the determination of the time-limit for departure applies correspondingly to aliens who have been expelled by a court of law. It is specifically stated in the Action Plan to Combat trafficking in Human Beings that the time-limit for departure of 30 days with the possibility of extension is issued so that support and counselling can be provided to the alien in question. Furthermore, the Danish Immigration Service in co-operation with IOM provides an AVR scheme, also open to victims of THB.

**40.b. Please indicate the minimum and maximum duration of the recovery and reflection period and how your internal law foresees it being adapted to the particular circumstances of victims.**

**Minimum and maximum duration of the recovery and reflection period** *(Not answered)*  
**How does your internal law foresee it being adapted to the particular circumstances of victims?**

#### Question 41

**41.a. What are the grounds (personal situation and/or co-operation with the law enforcement authorities) for issuing residence permits to victims of THB provided for in Article 14 of the Convention?**

Residence permit to victims of THB can be issued according to Section 7 (2) of the Aliens Act:

**7. (1)** Upon application, a residence permit will be issued to an alien if the alien falls within the provisions of the Convention relating to the Status of Refugees (28 July 1951).

**(2)** Upon application, a residence permit will be issued to an alien if the alien risks the death penalty or being subjected to torture or inhuman or degrading treatment or punishment in case of return to his country of origin. An application as referred to in the first sentence hereof is also considered an application for a residence permit under subsection (1).

Furthermore if the victim is an unaccompanied minor it could, under certain circumstances, be relevant to issue a residence permit to victims of THB according to Section 9 C (3) (ii) of the Aliens Act:

**9C. (...)**

**(3)**

(...)

(ii) an unaccompanied alien who has submitted an application for a residence permit pursuant to section 7 prior to his 18th birthday, if there is reasons to assume that in case other than those mentioned in section 7(1) and (2) the alien will in fact be placed in an emergency situation upon a return to his country of origin.

The permits are initially time limited but are issued with a view to permanent stay provided that the grounds for granting the permit are still valid.

**41.b. Please indicate the different types of residence permits which can be issued to victims of THB, their minimum and maximum duration, if any, and the grounds for their renewal.**

#### **Question 42**

**42. Please describe how your internal law provides for the right of victims of THB to compensation. (Please specify if your country has adopted any specific measures to guarantee compensation for victims of THB as provided for in Article 15 of the Convention.)**

According to the State Compensation to Victims of Crime Act, victims of crime can be awarded compensation for personal injury or damage on property.

Victims of THB enjoy the same rights as victims of other crimes under this Act.

#### Question 43

**43. Please describe the procedure established under your internal law for the repatriation and return of victims of THB.**

It is stated in the preparatory works of Act No. 197 of 2006 amending the Aliens Act that the police and relevant organizations (normally the Danish Centre Against Human Trafficking) who come into contact with an alien who is a potential victim of THB will present the case to the Danish Immigration Service who will then make a decision regarding the alien's right to stay in Denmark. If the alien in question is not entitled to stay in Denmark, the Danish Immigration Service will make a decision regarding the alien's status as victim of THB. The decision is made based on the police report and a report from the Danish Centre Against Human Trafficking. If the alien in question is victim of THB he/she is granted a reflection period of 30 days with the possibility of extension up to a total of 100 days (see the reply to Q40). More specifically, it is stated in the preparatory works of Act No. 197 of 2006 as well as in the Action Plan to Combat Trafficking in Human Beings that the purpose of the reflection period is, *inter alia*, to plan the alien's prepared voluntary return to his/her country of origin or former country of residence. It is a prerequisite for the extension of the time-limit for departure past the initial 30 days that the alien cooperates on his/her prepared voluntary return. Victims of THB will also be granted the possibility to take part in an AVR scheme for the return of vulnerable persons.

#### Question 44

**44.a. Does a person, repatriated to your country as a victim of THB, continue having victim status?**

**Person, repatriated to your country as a victim of THB, continues to have victim status? (Not answered)**

**44.b. If so, please specify on which grounds such recognition is made (for example, declaration of the victim). (Not answered)**

*(Not answered)*

**44.c. What assistance measures are envisaged for such persons after repatriation?**

There are no examples of victims of THB being repatriated to Denmark.

44.d. If not, please comment. *(Not answered)*

*(Not answered)*

#### Question 45

45. What are the grounds for the victim status to come to an end:

What are the grounds for the victim status to come to an end: *(Not answered)*

Other, please specify. *(Not answered)*

Possible comments concerning your reply

Victim status may be brought to an end if the authorities become aware that the status was claimed improperly. If an alien who is a victim of THB returns to his/her country of origin, former country of residence or a third country and at a later time re-enters Denmark, a new decision must be made by the Danish Immigration Service to determine whether the alien is still/again victim of THB.

### Section II.3. Implementation of measures concerning substantive criminal law, investigation, prosecution and procedural law

Questions in this section aim to obtain information on the implementation by parties of measures concerning substantive criminal law contained in Chapter IV of the Convention (Articles 18 to 26) as well as measures concerning investigation, prosecution and procedural law contained in Chapter V of the Convention (Articles 27 to 31).

#### Question 46

46.a. Is THB subject to a single criminal offence in your internal law?

Yes

No

46.b. If so, please provide (a translation of) the legal text(s) in English or French.

Cf. the reply to Q6.

46.c. If not, please specify the combination of criminal offences, covering as minimum all conducts falling within the definition of THB as contained in Article 4 of the Convention, used under your internal law to prosecute for THB. *(Not answered)*

*(Not answered)*

#### Question 47

47. Does your internal law establish as a criminal offence the use of services of a victim of THB with the knowledge that the person is a victim of THB as provided for in Article 19 of the Convention? (Article 19 of the Convention does not concern using the services of a prostitute as such and the criminalisation of her/his client - see paragraphs 229 to 236 of the Explanatory Report of the Convention.)

Does internal law establish as a criminal offence the use of services of a victim of THB with the knowledge that the person is a victim of THB ? *(Not answered)*

Possible comments concerning your reply

The use of services of a victim of THB is not per se a crime.

#### Question 48

48. Does your internal law establish as a specific criminal offence retaining, removing, concealing, damaging or destroying a travel or identity document of another person committed intentionally and for the purpose of enabling THB? (As provided for in Article 20c of the Convention.)

Internal law establishes as a specific criminal offence retaining, removing, concealing, damaging or destroying a travel or identity document of another person committed intentionally and for the purpose of enabling THB? *(Not answered)*

Possible comments concerning your reply

According to Section 5(1) and Section 5(2) subparagraph 3 of the Danish Passport Act, anyone who for illegal purposes distorts or removes parts of a passport or another travel document or notations therein is liable to a fine or imprisonment for a term not exceeding 6 months.

#### Question 49

49.a. Does your internal law ensure that a legal person can be held liable for criminal offences established in accordance with the Convention as provided for in its Article 22?

Yes

 No

**Possible comments concerning your reply**

**49.b. What types of legal persons are subject to corporate liability for such offences?**

According to Section 306 of the Danish Criminal Code, any legal person including limited companies, associations, foundations, public authorities etc. may be held liable for violations of the Criminal Code, including Section 262 a on THB.

**Question 50**

**50. Which sanctions does your internal law provide for criminal offences established in accordance with the Convention? Please specify the criminal, civil and administrative sanctions.**

See the legal provisions in the reply to Q6. The maximum term of imprisonment under Section 262 a of the Criminal Code is 8 years.

In addition, a person convicted for THB may be liable to pay compensation for personal injury, property damage or for pain and suffering to the victim of THB.

**Question 51**

**51. Does your internal law provide for the possibility to take into account previous convictions in another party when determining the penalty in relation to offences established in accordance with the Convention?**

 Yes

 No

**Possible comments concerning your reply**

Section 81 (1) of the Danish Criminal Code reads:

**81.** In determining the penalty it shall, as a rule, be considered a circumstance in aggravation

1) that the offender has previously been convicted in circumstances of importance for the

case;

Section 84 of the Danish Criminal Code reads:

**84 (1)** It shall be a condition for the application of provisions concerning a raised penalty or other legal consequences in the case of repeated crimes that, before committing repeated crime, the offender has been found guilty in the Danish state of a punishable act which puts, under current law, a repetition effect on the latest crime or an attempt to commit or complicity in committing such a crime.

**(2)** The court may give the same repetition effect to a sentence passed outside the Danish State as to a sentence in this country.

**(3)** The repetition effect shall cease to apply when, before the new crime was committed, a period of 10 years has elapsed from the time when the previous sentence had been served, finally forgiven or rescinded. Where the previous penalty was a fine, the time limit shall be calculated from the date of the final sentence or the acceptance of the fine. In respect of suspended sentences, the time limit shall be calculated from the date of the final sentence.

#### Question 52

**52. Please describe how your internal law provides for the possibility of not imposing penalties on victims of THB for their involvement in unlawful activities, to the extent that they were compelled to do so. (As provided for in Article 26 of the Convention.)**

Depending on the circumstances a crime committed under the influence of coercion may not be punishable.

When determining a penalty the court shall, in general, consider it a circumstance in mitigation that the offence was committed under the influence of coercion, deceit or exploitation of the perpetrator's young age or considerable financial or personal difficulties, lack of insight, irresponsibility or an existing state of dependency according to Section 82 (6) of the Criminal Code.

According to Section 83 of the Danish Criminal Code, the penalty may be reduced to less than the usual minimum penalty for the crime in question when information about the offence, the perpetrator's person or other circumstances conclusively warrant a reduction. In other mitigating circumstances the penalty may be rescinded.

#### Question 53

**53. Does your internal law provide for the initiation of legal proceedings by the victim and/or ex officio (for example, by the public prosecutor)?**

Yes

No

**Possible comments concerning your reply**

According to Section 742 (2) of the Administration of Justice Act, the police institutes investigation after receiving a report or ex officio when there is reason to believe that a criminal offence subject to public prosecution has been committed.

The Danish National Police has stated that THB is one of the areas subject to systematic police monitoring by the Danish National Central Bureau. This involves, *inter alia*, that the police districts continuously report all available information pertinent to the fight against THB after which the information is analyzed.

In cases of investigation of THB the police districts can gather information from the Danish National Central Bureau if the information is found to be relevant for the district's work in combating THB or if found to be relevant for the district's tasks.

Investigation into THB is a high priority for the Danish National Central Bureau, and investigators from the Bureau are allocated to assisting in cases of THB.

The purpose of the police monitoring is to enable the police to initiate and target investigations within that field without awaiting the initiation of legal proceedings by the victim.

**Question 54**

**54. Please describe how your internal law allows for NGOs or associations/groups assisting or supporting victims to participate in legal proceedings (for example, as third parties)? (Please specify the conditions for this participation as well as their legal status during these proceedings.)**

Neither a victim nor any NGO or association in support of the victim can intervene in criminal proceedings against a person for THB. Consequently, the victim is not a party to the criminal proceedings, but typically the victim will be summoned to testify.

As a general rule criminal proceedings are public and the victim is thus free to attend the hearings. However, if the victim is summoned to testify as a witness, he or she cannot be present in the court room during the testimony of other witnesses or the statement of the defendant unless the court

decides otherwise according to Section 182 of the Administration of Justice Act. Normally, the judge will allow the witness to attend the hearing after having testified.

Although not having any legal status in such cases, an NGO or association is free to offer its assistance to a victim, e.g. by being present during the legal proceedings.

#### Question 55

**55. Please describe the measures taken in your internal law to protect the identity and safety of victims before, during and after investigations and legal proceedings.**

According to Section 193 of the Administration of Justice Act, the police or prosecution must inform the court if special consideration for a witness in a criminal case is required. It is then for the prosecution and the court to reduce the inconvenience for the witness as much as possible, e.g. by making sure that the witness is not made to wait in a room in the presence of the accused or other witnesses which.

According to Section 29 and Section 29 a of the Administration of Justice Act the court can decide that the proceedings shall not be public. Furthermore, the court can decide that account of the proceedings cannot be given.

According to Section 856 (1) of the Administration of Justice Act the court can decide that the accused must leave the court room during the questioning of for example a witness (including the victim) if there is specific reason to believe that it is necessary in order to obtain a candid testimony. When it is considered to be without any influence on the defence of the accused, the court can decide that the accused cannot be informed of the address or the name, occupation or address of a witness if conclusive considerations for the witness so require, cf. Section 856 (2).

According to Section 123 of the Danish Criminal Code, a person who uses threats of violence, or commits an offence by violence, unlawful coercion as described in Section 260, threats as described in Section 266 or in any other way against another person or this person's closest relatives or others connected with that person, in conjunction with the person's anticipated or already completed statement to the police or in court, shall be liable to a fine or to imprisonment for any term not exceeding eight years.

Furthermore, the Danish National Police has established a witness protection programme.

#### Comments concerning your Reply to this Questionnaire

Please use this area to add any comments concerning your Reply to this Questionnaire

Please note that the paper version of the Danish reply to this questionnaire is the official reply, and in case of any discrepancy between the TIMS version and the paper version, the paper version stands.

**DENMARK**

**2008 Statistics on Trafficking in Human Beings**

Questionnaire for the evaluation of the implementation of the Council of Europe Convention on Action against Trafficking in Human Beings by the parties - First evaluation round

Adopted by the Group of Experts on Action against Trafficking in Human Beings (GRETA) on 1 February 2010

## Section 1: Victims of THB

### *Article 10 – Identification of the victims*

#### Question T1 - Victims identified during the year

##### T1. Number of victims identified during the year ("identified" within the meaning of the Convention)

###### Women

###### Men

###### Children (ie persons under 18 years of age, cf Article 4-d of the Convention)

###### Total

#### Question T2 - Types of exploitation which identified victims of THB were subjected to

##### T2.a. Number of identified victims of THB subjected to sexual exploitation

###### Women

###### Men

###### Children (ie persons under 18 years of age, cf Article 4-d of the Convention)

###### Total

##### T2.b. Number of identified victims of THB subjected to forced labour or services

Women *(Not answered)*

Men *(Not answered)*

Children (ie persons under 18 years of age, cf Article 4-d of the Convention)

*(Not answered)*

Total

**T2.c. Number of identified victims of THB subjected to slavery or practices similar to slavery**Women *(Not answered)*Men *(Not answered)*Children (ie persons under 18 years of age, cf Article 4-d of the Convention) *(Not answered)*

Total

**T2.d. Number of identified victims of THB subjected to servitude**Women *(Not answered)*Men *(Not answered)*Children (ie persons under 18 years of age, cf Article 4-d of the Convention) *(Not answered)*

Total

**T2.e. Number of identified victims of THB subjected to removal of organs**Women *(Not answered)*Men *(Not answered)*Children (ie persons under 18 years of age, cf Article 4-d of the Convention) *(Not answered)*

Total

**T2.f. Number of identified victims of THB subjected to other types of exploitation**

Add a response

Type of exploitation *(Not answered)*Women *(Not answered)*Men *(Not answered)*Children (ie persons under 18 years of age, cf Article 4-d of the Convention) *(Not answered)*

Total

**Question T3 - Persons whom the competent authorities had reasonable grounds to believe were victims of national or transnational trafficking****T3.a. Number of persons whom the competent authorities had reasonable grounds to believe were victims of national trafficking**Women *(Not answered)*Men *(Not answered)*Children (ie persons under 18 years of age, cf Article 4-d of the Convention) *(Not answered)*

Total

**T3.b. Number of persons whom the competent authorities had reasonable grounds to believe were victims of transnational trafficking****Women****Men****Children (ie persons under 18 years of age, cf Article 4-d of the Convention)****Total****Article 12 – Assistance to victims****Question T4 - Victims of THB who received assistance of any type****T4. Number of victims of THB who received assistance of any type****Women****Men****Children (ie persons under 18 years of age, cf Article 4-d of the Convention)****Total****Question T5 - Victims of THB who refused assistance which was offered to them****T5. Number of victims of THB who refused assistance which was offered to them****Women****Men****Children (ie persons under 18 years of age, cf Article 4-d of the Convention)****Total**

**Question T6 - Shelters for victims of THB**
**T6. Number of shelters for victims of THB in your country**
**Women** (Not answered)

**Men** (Not answered)

**Children** (ie persons under 18 years of age, cf Article 4-d of the Convention) (Not answered)

**Total**

**Question T7 - Places in shelters for victims of THB**
**T7. Total number of places in shelters for victims of THB**
**Women** (Not answered)

**Men** (Not answered)

**Children** (ie persons under 18 years of age, cf Article 4-d of the Convention) (Not answered)

**Total**

**Question T8 - Victims of THB accommodated in shelters**
**T8. Number of victims of THB accommodated in shelters**
**Women** (Not answered)

**Men** (Not answered)

**Children** (ie persons under 18 years of age, cf Article 4-d of the Convention) (Not answered)

**Total**

**Article 13 – Recovery and reflection period**
**Question T9 - Victims of THB who were granted a recovery and reflection period**
**T9. Number of victims of THB who were granted a recovery and reflection period (including persons whom the competent authorities had reasonable grounds to believe were victims of THB)**
**Women**

**Men**

**Children** (ie persons under 18 years of age, cf Article 4-d of the Convention)

Total

20

**Article 14 – Residence permit**

Question T10 - Victims of THB who were issued a residence permit

T10.a. Number of victims of THB who were issued a residence permit owing to their personal situation

Women (Not answered)

Men (Not answered)

Children (ie persons under 18 years of age, cf Article 4-d of the Convention) (Not answered)

Total

2

T10.b. Number of victims of THB who were issued a residence permit for the purpose of their co-operation with the competent authorities

Women (Not answered)

Men (Not answered)

Children (ie persons under 18 years of age, cf Article 4-d of the Convention) (Not answered)

Total

0

**Article 15 – Compensation and legal redress**

Question T11 - Victims of THB who obtained compensation

T11. Number of victims of THB who obtained compensation

Women (Not answered)

Men (Not answered)

Children (ie persons under 18 years of age, cf Article 4-d of the Convention) (Not answered)

Total

0

Question T12 - Compensation awarded to victims of THB

T12. Compensation awarded to victims of THB: (Not answered)

Minimum amount awarded to a victim (in euros) (Not answered)

Maximum amount awarded to a victim (in euros) (Not answered)

**Article 16 – Repatriation and return of victims**

Question T13 - Victims of THB who were repatriated to your country

T13. Number victims of THB who were repatriated to your country

Women (Not answered)

Men (Not answered)

Children (ie persons under 18 years of age, cf Article 4-d of the Convention) (Not answered)

Total

0

Question T14 - Victims of THB who were repatriated from your country to another country

T14. Number of victims of THB who were repatriated from your country to another country

Women (Not answered)

Men (Not answered)

Children (ie persons under 18 years of age, cf Article 4-d of the Convention) (Not answered)

Total

3

Section 2: Criminal Proceedings and Sanctions

*Article 18 – Criminalisation of trafficking in human beings*

Question T15 - Criminal proceedings initiated on grounds of THB

T15. Number of criminal proceedings initiated on grounds of THB

25

Question T16 - Convictions for THB

T16. Number of convictions for THB

7

*Article 19 – Criminalisation of the use of services of a victim*

Question T17 - Convictions for the use of services of a victim of THB

T17. Number of convictions for the use of services of a victim of THB (Not answered)

(Not answered)

*Article 23 – Sanctions and measures*

Question T18 - Convictions for THB resulting in penalties involving deprivation of liberty

T18. Number of convictions for THB resulting in penalties involving deprivation of liberty (Not answered)

(Not answered)

Question T19 - Duration of penalties on grounds of THB involving deprivation of liberty

T19. Duration of penalties on grounds of THB involving deprivation of liberty: *(Not answered)*

minimum duration *(Not answered)*

maximum duration *(Not answered)*

Question T20 - Judgments resulting in the confiscation of assets

T20. Number of judgments resulting in the confiscation of assets *(Not answered)*

*(Not answered)*

Question T21 - Judgments resulting in the closure of a business or an establishment which was being used to carry out THB

T21. Number of judgments resulting in the closure of a business or an establishment which was being used to carry out THB *(Not answered)*

*(Not answered)*

*Article 26 – Non-punishment provision*

Question T22 - Victims of THB who benefitted from the non-punishment provision

T22. Number of victims of THB who benefitted from the non-punishment provision *(Not answered)*

*(Not answered)*

Section 3: Country of origin of victims of THB

Question T23 - Country of origin of victims of THB

T23.a. Number of victims of THB originating from Council of Europe member states

Albania *(Not answered)*

Andorra *(Not answered)*

Armenia *(Not answered)*

Austria *(Not answered)*

Azerbaijan *(Not answered)*

Belgium *(Not answered)*

Bosnia and Herzegovina *(Not answered)*

Bulgaria *(Not answered)*

Croatia *(Not answered)*

Cyprus *(Not answered)*

Czech Republic *(Not answered)*

Denmark *(Not answered)*

Estonia *(Not answered)*

Finland *(Not answered)*

France *(Not answered)*

Georgia *(Not answered)*

Germany *(Not answered)*

Greece *(Not answered)*

Hungary *(Not answered)*

Iceland *(Not answered)*

Ireland *(Not answered)*

Italy *(Not answered)*

Latvia *(Not answered)*

Liechtenstein *(Not answered)*

Lithuania *(Not answered)*

Luxembourg *(Not answered)*  
 Malta *(Not answered)*  
 Moldova *(Not answered)*  
 Monaco *(Not answered)*  
 Montenegro *(Not answered)*  
 Netherlands *(Not answered)*  
 Norway *(Not answered)*  
 Poland *(Not answered)*  
 Portugal *(Not answered)*  
 Romania

Russian Federation *(Not answered)*  
 San Marino *(Not answered)*  
 Serbia *(Not answered)*  
 Slovak Republic *(Not answered)*  
 Slovenia *(Not answered)*  
 Spain *(Not answered)*  
 Sweden *(Not answered)*  
 Switzerland *(Not answered)*  
 “the former Yugoslav Republic of Macedonia” *(Not answered)*  
 Turkey *(Not answered)*  
 Ukraine *(Not answered)*  
 United Kingdom *(Not answered)*

T23.b. Number of victims of THB originating from non-member states (for each country of origin please give the name of the country and the number of victims originating from this country)

Add a response

Name of the country of origin

Number of victims originating from this country

Name of the country of origin

Number of victims originating from this country

Name of the country of origin

Number of victims originating from this country

**Name of the country of origin**

Nepal

**Number of victims originating from this country**

1

**Name of the country of origin**

Nigeria

**Number of victims originating from this country**

17

**Name of the country of origin**

Thailand

**Number of victims originating from this country**

2

**Name of the country of origin**

Uganda

**Number of victims originating from this country**

2

**Comments on statistics for 2008**

**Please use this area to add any comments concerning your replies to the statistics for 2008**

*(Not answered)*

**DENMARK**

**2009 Statistics on Trafficking in Human Beings**

Questionnaire for the evaluation of the implementation of the Council of Europe Convention on Action against Trafficking in Human Beings by the parties - First evaluation round ?

?

Adopted by the Group of Experts on Action against Trafficking in Human Beings (GRETA) on 1 February 2010

### Section 1: Victims of THB

#### *Article 10 - Identification of the victims*

#### Question T1 - Victims identified during the year

##### T1. Number of victims identified during the year ("identified" within the meaning of the Convention)

###### Women

###### Men

###### Children (ie persons under 18 years of age, cf Article 4-d of the Convention)

###### Total

#### Question T2 - Types of exploitation which identified victims of THB were subjected to

##### T2.a. Number of identified victims of THB subjected to sexual exploitation

###### Women

###### Men

###### Children (ie persons under 18 years of age, cf Article 4-d of the Convention)

###### Total

##### T2.b. Number of identified victims of THB subjected to forced labour or services

###### Women

###### Men

**Children (ie persons under 18 years of age, cf Article 4-d of the Convention)**

**Total**

**T2.c. Number of identified victims of THB subjected to slavery or practices similar to slavery**

**Women**

**Men**

**Children (ie persons under 18 years of age, cf Article 4-d of the Convention)**

**Total**

**T2.d. Number of identified victims of THB subjected to servitude**

**Women**

**Men**

**Children (ie persons under 18 years of age, cf Article 4-d of the Convention)**

**Total**

**T2.e. Number of identified victims of THB subjected to removal of organs**

**Women**

**Men**

**Children (ie persons under 18 years of age, cf Article 4-d of the Convention)**

0

**Total**

0

**T2.f. Number of identified victims of THB subjected to other types of exploitation**

Add a response

Type of exploitation *(Not answered)*Women *(Not answered)*Men *(Not answered)*Children (ie persons under 18 years of age, cf Article 4-d of the Convention) *(Not answered)*Total *(Not answered)***Question T3 - Persons whom the competent authorities had reasonable grounds to believe were victims of national or transnational trafficking****T3.a. Number of persons whom the competent authorities had reasonable grounds to believe were victims of national trafficking****Women**

0

**Men**

0

**Children (ie persons under 18 years of age, cf Article 4-d of the Convention)**

0

**Total**

0

**T3.b. Number of persons whom the competent authorities had reasonable grounds to believe were victims of transnational trafficking****Women**

46

**Men**

1

**Children (ie persons under 18 years of age, cf Article 4-d of the Convention)**

1

**Total**

48

**Article 12 - Assistance to victims****Question T4 - Victims of THB who received assistance of any type****T4. Number of victims of THB who received assistance of any type****Women**

42

**Men**

1

**Children (ie persons under 18 years of age, cf Article 4-d of the Convention)**

1

**Total**

44

**Question T5 - Victims of THB who refused assistance which was offered to them****T5. Number of victims of THB who refused assistance which was offered to them****Women**

4

**Men**

0

**Children (ie persons under 18 years of age, cf Article 4-d of the Convention)**

0

**Total**

4

**Question T6 - Shelters for victims of THB****T6. Number of shelters for victims of THB in your country****Women** (Not answered)**Men** (Not answered)**Children (ie persons under 18 years of age, cf Article 4-d of the Convention)**

(Not answered)

**Total**

3

**Question T7 - Places in shelters for victims of THB**

**T7. Total number of places in shelters for victims of THB**

Women (Not answered)

Men (Not answered)

Children (ie persons under 18 years of age, cf Article 4-d of the Convention) (Not answered)

Total

54

**Question T8 - Victims of THB accommodated in shelters****T8. Number of victims of THB accommodated in shelters**

Women (Not answered)

Men (Not answered)

Children (ie persons under 18 years of age, cf Article 4-d of the Convention) (Not answered)

Total

34

**Article 13 - Recovery and reflection period****Question T9 - Victims of THB who were granted a recovery and reflection period****T9. Number of victims of THB who were granted a recovery and reflection period (including persons whom the competent authorities had reasonable grounds to believe were victims of THB))**

Women

24

Men (Not answered)

Children (ie persons under 18 years of age, cf Article 4-d of the Convention)

1

Total

25

**Article 14 - Residence permit****Question T10 - Victims of THB who were issued a residence permit****T10.a. Number of victims of THB who were issued a residence permit owing to their personal situation**

Women (Not answered)

Men (Not answered)

Children (ie persons under 18 years of age, cf Article 4-d of the Convention) (Not answered)

Total

1

**T10.b. Number of victims of THB who were issued a residence permit for the purpose of their co-operation with the competent authorities**

Women (Not answered)  
 Men (Not answered)  
 Children (ie persons under 18 years of age, cf Article 4-d of the Convention) (Not answered)  
 Total

**Article 15 - Compensation and legal redress**

Question T11 - Victims of THB who obtained compensation

T11. Number of victims of THB who obtained compensation

Women (Not answered)  
 Men (Not answered)  
 Children (ie persons under 18 years of age, cf Article 4-d of the Convention) (Not answered)  
 Total

Question T12 - Compensation awarded to victims of THB

T12. Compensation awarded to victims of THB:

Minimum amount awarded to a victim (in euros) (Not answered)  
 Maximum amount awarded to a victim (in euros) (Not answered)

**Article 16 - Repatriation and return of victims**

Question T13 - Victims of THB who were repatriated to your country

T13. Number victims of THB who were repatriated to your country

Women (Not answered)  
 Men (Not answered)  
 Children (ie persons under 18 years of age, cf Article 4-d of the Convention) (Not answered)  
 Total

Question T14 - Victims of THB who were repatriated from your country to another country

T14. Number of victims of THB who were repatriated from your country to another country

Women (Not answered)  
 Men (Not answered)  
 Children (ie persons under 18 years of age, cf Article 4-d of the Convention) (Not answered)  
 Total

Section 2: Criminal Proceedings and Sanctions

**Article 18 - Criminalisation of trafficking in human beings**

**Question T15 - Criminal proceedings initiated on grounds of THB****T15. Number of criminal proceedings initiated on grounds of THB**

29

**Question T16 - Convictions for THB****T16. Number of convictions for THB**

11

***Article 19 - Criminalisation of the use of services of a victim*****Question T17 - Convictions for the use of services of a victim of THB****T17. Number of convictions for the use of services of a victim of THB****Number of convictions for the use of services of a victim of THB (Not answered)*****Article 23 - Sanctions and measures*****Question T18 - Convictions for THB resulting in penalties involving deprivation of liberty****T18. Number of convictions for THB resulting in penalties involving deprivation of liberty (Not answered)*****(Not answered)*****Question T19 - Duration of penalties on grounds of THB involving deprivation of liberty****T19. Duration of penalties on grounds of THB involving deprivation of liberty: (Not answered)****minimum duration (Not answered)****maximum duration (Not answered)****Question T20 - Judgments resulting in the confiscation of assets****T20. Number of judgments resulting in the confiscation of assets (Not answered)*****(Not answered)*****Question T21 - Judgments resulting in the closure of a business or an establishment which was being used to carry out THB****T21. Number of judgments resulting in the closure of a business or an establishment which was being used to carry out THB (Not answered)*****(Not answered)******Article 26 - Non-punishment provision***

**Question T22 - Victims of THB who benefitted from the non-punishment provision****T22. Number of victims of THB who benefitted from the non-punishment provision (*Not answered*)***(Not answered)***Section 3: Country of origin of victims of THB****Question T23 - Country of origin of victims of THB****T23.a. Number of victims of THB originating from Council of Europe member states**

Albania (*Not answered*)  
 Andorra (*Not answered*)  
 Armenia (*Not answered*)  
 Austria (*Not answered*)  
 Azerbaijan (*Not answered*)  
 Belgium (*Not answered*)  
 Bosnia and Herzegovina (*Not answered*)  
 Bulgaria (*Not answered*)  
 Croatia (*Not answered*)  
 Cyprus (*Not answered*)  
 Czech Republic (*Not answered*)  
 Denmark (*Not answered*)  
 Estonia (*Not answered*)  
 Finland (*Not answered*)  
 France (*Not answered*)  
 Georgia (*Not answered*)  
 Germany (*Not answered*)  
 Greece (*Not answered*)  
 Hungary

1

Iceland (*Not answered*)  
 Ireland (*Not answered*)  
 Italy (*Not answered*)  
 Latvia

4

Liechtenstein (*Not answered*)  
 Lithuania (*Not answered*)  
 Luxembourg (*Not answered*)  
 Malta (*Not answered*)  
 Moldova (*Not answered*)  
 Monaco (*Not answered*)  
 Montenegro (*Not answered*)  
 Netherlands (*Not answered*)  
 Norway (*Not answered*)  
 Poland (*Not answered*)  
 Portugal

1

**Romania**

3

**Russian Federation (*Not answered*)**

San Marino (Not answered)

Serbia (Not answered)

Slovak Republic

1

Slovenia (Not answered)

Spain (Not answered)

Sweden (Not answered)

Switzerland (Not answered)

“the former Yugoslav Republic of Macedonia” (Not answered)

Turkey (Not answered)

Ukraine

1

United Kingdom (Not answered)

**T23.b. Number of victims of THB originating from non-member states (for each country of origin please give the name of the country and the number of victims originating from this country)**

Add a response

**Name of the country of origin**

Stateless person carrying Latvian passport

**Number of victims originating from this country**

1

**Name of the country of origin**

Eastern Europe (unspecified)

**Number of victims originating from this country**

2

**Name of the country of origin**

Cameroun

**Number of victims originating from this country**

1

**Name of the country of origin**

Nigeria

**Number of victims originating from this country**

18

**Name of the country of origin****Number of victims originating from this country****Name of the country of origin****Number of victims originating from this country****Name of the country of origin****Number of victims originating from this country****Name of the country of origin****Number of victims originating from this country****Name of the country of origin****Number of victims originating from this country****Name of the country of origin****Number of victims originating from this country**

**Comments on statistics for 2009**

**Please use this area to add any comments concerning your replies to the statistics for 2009**

*(Not answered)*